

Appl. No. 09/388,804
Amdt. dated 08/26/2004
Reply to Office Action of 05/26/2004

REMARKS

This Amendment is in response to the Office Action mailed May 26, 2004. In the Office Action, the Examiner rejected claims 1, 5-9, 12, and 16-23 under 35 U.S.C. § 102, and rejected claims 2-4, 10-11, and 13-15 under 35 U.S.C. § 103. Claims 1-23 remain pending in the application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

2. The Examiner rejects claims 1, 9, 12, 22, and 23 under 35 U.S.C. § 102(e) as being anticipated by Putcha et al. (US Pub 2003/0198241 A1).

With respect to claims 1, 9, and 12, applicant has amended these claims to provide the element of --switching data traffic having packets of data of a plurality of sizes between a first number of local area network (LAN) ports and a second number of wide area networks (WAN) links of a router resource--. Applicant respectfully submits that Putcha discloses an ATM switch that switches data cells having a fixed length. See paragraphs [0013] and [0052] of Putcha. Therefore Putcha fails to disclose each and every element of these claims as amended.

With respect to claims 22 and 23, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 9, 12, 22, and 23 under 35 U.S.C. § 102(e) as being anticipated by Putcha.

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3. The Examiner rejects claims 5-8, and 16-21 under 35 U.S.C. § 102(b) as being anticipated by Hanson et al. (US 5,633,861).

With respect to claims 5 and 16, applicant has amended these claims to provide the element of --switching admitted inbound traffic having packets of data of a plurality of sizes from the entry port to the exit port of the router resource--, and to provide that the entry port of the router resource is --selected from one of a first number of local area network (LAN) ports--, and to provide that that the exit port of the router resource is --selected from one of a second number of wide area networks (WAN) links--. Applicant respectfully submits that Hanson does not disclose a router resource as claimed that controls admission to the router resource based on the bandwidth and switching capacity of the router resource.

With respect to claims 6-8, and 17-21, applicant has amended these claims as necessary for consistency with the amendments to claims 5 and 16. Applicant respectfully submits that Hanson does not disclose the additional elements of these claims in view of the amendments to claims 5 and 16 from which these claims depend.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 5-8, and 16-21 under 35 U.S.C. § 102(b) as being anticipated by Hanson.

Rejection Under 35 U.S.C. § 103

4. The Examiner rejects claims 2 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Putcha et al. (US Pub 2003/0198241 A1) in view of Bonomi et al. (US 5,838,681).

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With respect to claims 2 and 13, the Examiner admits that Putcha does not disclose individual ones of the LAN ports are permitted to exceed their fair share of the switching capacity of the router resource if a current switching load due to traffic from all of the LAN ports is less than a maximum switching capacity for the router resource. The Examiner asserts that Bonomi discloses (col. 9, lines 37-40) that the CPU allocates switch capacity among the ports in accordance with their needs, as long as the total aggregate capacity of the switching core (switching capacity of the router) is not exceeded. Applicant respectfully disagrees.

As discussed in the specification on page 7, line 16, through page 8, line 8, bandwidth and switching capacity are distinctly different resources of a router. Bandwidth is the capacity of the switching resource to transfer a given amount of data in a given time. Bandwidth is the maximum data rate available through the switching resource. Switching capacity is the maximum number of data packets that can be switched by the switching resource in a given time. As explained in the specification on page 8, lines 5-7, switching capacity can be exceeded without exceeding the bandwidth if the data being switched is in the form of small packets.

Applicant respectfully submits that Bonomi discloses only allocation of switch capacity based on data rate and that data rate is limited by bandwidth. See, for example, col. 9, lines 46-52. Applicant can find nothing in Bonomi that teaches or suggests individual ones of the LAN ports are permitted to exceed their fair share of the switching capacity of the router resource if a current switching load due to traffic from all of the LAN ports is less than a maximum switching capacity for the router resource.

Applicant further submits that there is no motivation to combine Bonomi with Putcha since Putcha already regulates traffic based on the bandwidth. See for example paragraph [0060].
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Further, there would be no expectation of success in combining the references because each provides a scheme for regulating traffic based on the bandwidth and a combination of the two references could be expected to introduce mechanisms that conflicted in attempting to perform the same function in two different ways.

Even if the reference were combined the combination would still fail to teach each and every limitation of the invention since neither reference teaches or suggests individual ones of the LAN ports are permitted to exceed their fair share of the switching capacity of the router resource if a current switching load due to traffic from all of the LAN ports is less than a maximum switching capacity for the router resource.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 2 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Putcha in view of Bonomi.

5. The Examiner rejects claims 3-4, 10-11, and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Putcha et al. (US Pub 2003/0198241 A1) in view of Hanson et al. (US 5,633,861).

With respect to claims 3-4, 10-11, and 14-15, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional elements recited.

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Conclusion

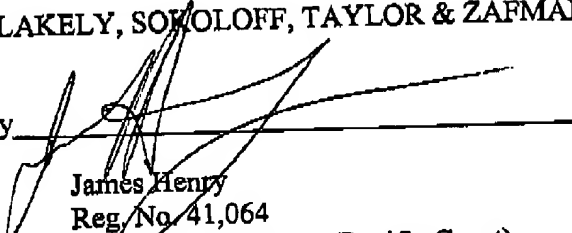
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOLOLOFF, TAYLOR & ZAFMAN LLP

Dated: 08/26/2004

By


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